

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD MAY 6, 2014**

CALL TO ORDER

At 7:00 p.m. Mayor Bruno called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

ROLL CALL

Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore, Mrs. Kingsley and Mayor Bruno answered present. Also present was Township Attorney Joseph Sordillo, Township Administrator Linda Cavanaugh and Township Clerk Ana Minkoff.

FLAG SALUTE

Mayor Bruno asked everyone present to stand as he led the Flag Salute.

**CONFERENCE SESSION – Waste Water Treatment Plant-
Collection System Operation & Maintenance**

Linda Cavanaugh, Township Administrator gave a brief description of the Wastewater Treatment Plant presentation.

Tom McAndrew, Superintendent of the Wastewater Treatment Plant spoke about the collection system operation and the needs of the Sewer Plant and he gave a power point presentation.

The discussion continued with the Mayor and Township Council asking questions.

Mayor Bruno said Chief Mathis will give a brief overview of an incident that happened on Snyder Avenue on April 26th regarding a water main break. He said two officers were injured but are now back on duty.

Chief Mathis spoke about the incident on Snyder Avenue on April 26th. He said the water main was being replaced and the company was doing an air pressure test and it exploded. Chief Mathis showed the Council pictures of the explosion and explained in detail what had happened. Two police vehicles were lost in the incident. Chief Mathis thanked the Fire Department and Rescue Squad for their assistance.

**2014 MUNICIPAL BUDGET ADOPTION
Public Hearing and Final Adoption on 2014 Municipal Budget as Introduced April 8, 2014**

a. Adoption of Resolution to Read Budget by Title.

Mayor Bruno moved to adopt the resolution to read the budget by title only, seconded by Mr. Woodruff. Mayor Bruno read the resolution to read the budget by title.

Upon roll call vote:

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Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: None

b. Budget Hearing

Moved by Mr. Woodruff to open the public hearing on the 2014 Municipal Budget Adoption, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: None

Tom Foregger of 14 Dorsett Road asked what departments will be getting new staff.

Mayor Bruno responded part time help in Finance Office, Sewer Department and the DPW.

Mr. Foregger said in the budget there is a column called FCOA with just the account number and in the past those numbers have always been shown. He asked why we stopped putting this in the budget.

Michel Marceau, CFO responded to Mr. Foregger's questions regarding the FCOA.

A discussion continued with Mr. Foregger remarking and asking questions.

Mr. Foregger said there is a salary increase of 9.9% and he asked what is the reason for this increase.

Mayor Bruno responded to Mr. Foregger explaining some positions were not here a full year last year and he also said some of the new positions that were discussed are included in that increase.

Mr. Foregger continued with his questions regarding the budget numbers in length. He also continued to review all of the departments in the budget and asked questions regarding their salaries and O & E.

The discussion continued in length with the Mayor and Township Council responding to Mr. Foregger's questions. The discussion also involved the budget hearings and the public input.

Carol Matula of 5 Hastings Road said she objects to the practices of this Council regarding the capital budget. She feels it is like Christmas and the departments get a wish list. Mrs. Matula also said she has been to the meetings and she has never heard the Council ask for public comments.

Mayor Bruno responded the Council tries to keep the debt service relatively the same. He said in the last four years we have actually spent less money and taken more debt services off then we have put back on. Mayor Bruno went on to talk about the capital plan and he said not all departments do receive everything they think they need. Mayor Bruno continued with his explanation in detail.

Mr. Pastore said if the last few capital budget presentations have not proven the fact that the town had not been taken care of on a capital basis for years, he doesn't know what else to say. That is what the Council is doing here trying to take care of the issues at hand because they have not been taken care of for years.

The discussion continued on the capital plan and budget.

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Stephen Yellin of 130 Dogwood Lane said for the record he did not attend this year's budget hearings but he did last year and he remembers the Mayor asking for the public input during those meetings. Mr. Yellin feels with the budget the Council has done the best they can with a difficult situation. He commends the Council for keeping the promises they have made.

Mayor Bruno commended Michel Marceau and Mrs. Cavanaugh on the budget process.

Hearing no voices, moved by Mr. Woodruff to close the public hearing on the 2014 Municipal Budget, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: None

Moved by Mr. Pastore to adopt the 2014 Municipal Budget, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: None

APPROVAL OF MINUTES

Moved by Mr. Delia to approve the following Township Council minutes, seconded by Mr. Pirone and upon roll call vote:

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Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: None

TOWNSHIP COUNCIL REPORTS

Mr. Delia spoke about the yellow paint on the curbs in the no parking zone on Summit Avenue/Springfield Avenue and Station Street/Springfield Avenue being worn off. He said he has brought this matter up in the past as well. He said this is a real hazard and should be taken care of.

Mr. Bocchino said that he will look into this matter.

Mr. Delia also asked when the meeting on the sale of Runnell's Hospital is supposed to take place.

Mayor Bruno said that he will notify everyone when he receives that information.

Mr. Hall had nothing to report.

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Mr. Pirone reported he keeps receiving calls with complaints about the construction and engineering departments. He added Mrs. Cavanaugh said she will look into that matter.

Mr. Woodruff said there is a resolution on the agenda tonight listing the various individuals who are assisting the Beautification Committee. He said this is an example of the town pulling together from all levels. These individuals have already donated to have their names put on the clock and they are now donating their time and services.

Mr. Pastore reminded everyone about the upcoming Memorial Day Parade.

Mrs. Kingsley wanted to clarify something on the clock project. She said at the debate last week Mayor Bruno spoke about his vision of having three clocks. She clarified that might be his vision but what the Beautification Committee has adopted and is working on is one clock. Mrs. Kingsley said there is a huge amount of work and effort involved with getting this clock installed. She said the dollar and the time being donated to the town is well in excess of \$30,000.00 to get this clock installed and really clean up Peppertown Park. We are hoping to have the clock up for Memorial Day but we have not received a delivery date from the manufacturer.

Mrs. Cavanaugh reported the Street Fair is scheduled for Sunday, June 29th. There was a meeting with the organizers of the street fair and all of the affected departments in town. Mrs. Cavanaugh reported the 2014 Executive Orders are now up on the website. Mrs. Cavanaugh also reported she has been working with the Beautification Committee and she explained the need for the resolution for the donated services. Mrs. Cavanaugh reported we have renewed the dental insurance with Horizon with a 5% increase and a 2 year renewal. We have been very well served by our joint insurance fund. Mrs. Cavanaugh said the Chamber of Commerce has instituted a special gift certificate program to keep shopping dollars in town. She went on to explain further. Mrs. Cavanaugh reported on the DPW programs and activities that are going on. Mrs. Cavanaugh said Memorial Park is being cleaned-up for the Memorial Day Parade. Mrs. Cavanaugh also said the Police Ordinance for the Police recruits has been pulled. She said the Chief had some concerns which she related to the Council. She is also getting feedback from Council members to try to work out the appropriate language and it will then be re-introduced. Mrs. Cavanaugh said Councilman Pirone spoke about the faces on the garbage cans at Peppertown Park. Mayor Bruno did clean-up the garbage cans.

Bob Bocchino, Director of Public Works pointed out the chipping program is done by the DPW and they try to accommodate the residents but the clean-up is contracted out to an outside contractor. He urged the residents to have their items out on the first day of their pickup schedule because once they have picked up on a street they will not come back again.

A discussion continued on the spring clean-up.

Mayor Bruno reported he met with Sherri Levine-Shea the new owner of Kaylas Paint & Sip to discuss marketing tips. He went on to explain the Paint & Sip. Mayor Bruno also reported he attended a memorial mass at Little Flower Church in honor of the past members of the Police, Fire and Rescue Squad. He also said on May 26th there will be the annual Memorial Day Parade. Mayor Bruno thanked the Beautification Committee and the people that have volunteered their time and services. For clarification, when he said he has a vision that it is his vision of what he wants the town to look like. His vision is to have three clocks. He went on to talk about this further in length.

Moved by Mr. Pirone to accept and approve the Township Council and Administration Reports, seconded by Mr. Pastore and upon roll call vote:

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Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: None

HEARING ON AGENDA ITEMS ONLY

Moved by Mr. Hall to open the Hearing on the Agenda Items Only, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: None

Hearing no voices, moved by Mr. Hall to close the Hearing on the Agenda Items Only, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: None

NEW BUSINESS- RESOLUTIONS

OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated May 6, 2014 in the amount of \$187,541.00.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: None

Mr. Woodruff introduced the following resolution:

2. Resolution authorizing the execution of partial stipulation of settlement resolving the New Jersey Department of Environmental Protection permits appeal issues.

Moved by Mr. Woodruff to approve resolution #2, seconded by Mr. Pirone and carried.

Mr. Delia asked for an explanation of this resolution and what this is about.

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Mrs. Cavanaugh explained several years ago the Township brought action against the NJDEP to contest certain provisions of its NJ Pollutant Discharge Elimination System Permit. She went on to explain further in more details. Mrs. Cavanaugh also said there were many towns involved in this litigation.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: None

Mr. Hall introduced the following resolution:

3. Resolution authorizing Garden State Fireworks to hold a short fireworks display for PAL and Governor Livingston High School, on May 8, 2014 at Snyder Avenue field, between 8:00-8:30 pm

Moved by Mr. Hall to approve resolution #3, seconded by Mr. Pastore and carried.

Mr. Delia is concerned if the fireworks are set off on the synthetic field it could possibly melt.

Mr. Hall responded it will probably be done on the grass field and the Fire Department will need to be there and approve it.

Mayor Bruno asked the Township Clerk what is the occasion.

Ana Minkoff responded it is a baseball game and she added Mike Ambrose, Fire Inspector gave them the permit and has also approved the display and will be present.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: None

ADDITION:

Mrs. Kingsley introduced the following resolution:

4. Resolution accepting the donation of labor, services and equipment for the installation of a four-faced clock, as a permanent landmark in the Township's Peppertown Park, near the intersection of Plainfield Avenue and Sherman Avenue from Rick Froio and Ed Perez of Interstate Electric Co., Jim Delia of Earthwork and Boulderscape Services, LLC, Joseph Franchino of JL Franchino, Inc., James Ramentol of GRA Architects, and Kevin Sullivan of Chestnut Tree Experts.

Moved by Mrs. Kingsley to approve resolution #4, seconded by Mr. Hall and upon roll call vote:

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Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: None

CONSENT AGENDA

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Mr. Pastore introduced the following resolution:

- (5)
a. Resolution appointing James Feakes, 18 Hamilton Avenue, Berkeley Heights, to the Junior Fire Division of the Berkeley Heights Fire Department.

Moved by Mr. Pastore to approve Consent Agenda resolution #5a, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: None

PULLED:

INTRODUCTION OF ORDINANCES:

Public Hearing and Final Adoption scheduled for May 20, 2014:

(1)“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING SECTION 2.100.040 ENTITLED “QUALIFICATIONS FOR APPOINTMENT” OF CHAPTER 2.100 ENTITLED “POLICE DIVISION” OF TITLE 2 ENTITLED “ADMINISTRATION AND PERSONNEL” TO AMEND AND UPDATE THE PROVISIONS GOVERNING THE MINIMUM REQUIREMENTS FOR NEW HIRES IN THE POLICE DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY.” (Explanation: This ordinance amends and updates the Township’s Administrative Code (Title 2 of the code of the Township of Berkeley Heights) as adopted by Ordinance No. 2-2010, and revised by Ordinance No. 14-2010) to amend the requirements for new hires in the Police Division of the Department of Public Safety.)

CITIZENS HEARING

Moved by Mr. Pirone to open the Citizens Hearing, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: None

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Carol Matula of 5 Hastings Road asked why the Executive Session item was pulled tonight.

Mayor Bruno responded Mr. Ramentol could not make the meeting tonight.

Mrs. Matula asked what is happening with the NY Mart that was supposed to be in the Kings shopping center.

Mayor Bruno responded the NY Mart has pulled their operations and terminated their lease from that location.

Gerald Kuzmik of Eaton Court asked about the capacity of our Sewer Plant. He spoke about the Sewer Plant conference session discussion and the impact of the rainfall on the Sewer Plant. He said it should be separate completely.

Tom McAndrew responded to Mr. Kuzmik's questions regarding rainfall and sewer capacity.

A discussion continued.

Mr. Kuzmik asked who is responsible for the maintenance of the Library building and grounds.

Mayor Bruno responded it is a Township owned building and we are responsible.

Stephanie Bakos added the grass cutting, potholes and those sort of things are done by the DPW. Some of the inside maintenance is done by the Library.

Mr. Kuzmik said he was referring to the rain gutters and he asked who maintains them.

A discussion continued and Mrs. Bakos explained the roof is going to be replaced shortly.

Mr. Kuzmik asked who is responsible for cleaning the storm drain at the corner of Plainfield and Snyder Avenue.

Bob Bocchino, Director of Public Works responded he did notify the County of this problem but he will follow up again with them.

Mr. Kuzmik asked for the progress relating to river clean-up.

Mrs. Cavanaugh responded as far as the status on the grant you can contact the NJDEP because the County is still waiting to hear from them. Mrs. Cavanaugh added we have heard about the award but we have not received details. She went on to explain further in more detail.

Mr. Kuzmik continued with his questions. Mr. Hall responded to Mr. Kuzmik's questions.

A discussion continued on the resources that are available and the communications between the county and the NJDEP. The discussion also involved the grant and when it will be received.

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Mr. Kuzmik said he has seen election signs around town. He asked who Mr. Faecher is and what is the frequency of his attendance at the meetings. So he can know who he is.

Mayor Bruno responded he is a candidate running for Council.

Mr. Kuzmik asked where the League of Women Voters advertised the debate.

Mayor Bruno responded and told Mr. Kuzmik where the debate was advertised.

Stephanie Bakos said the Rubber Duck Race is scheduled for May 31st and the price is \$5.00 per duck. She also asked for volunteers for the dunk tank.

Tom Foregger of 14 Dorsett Road said years ago he served on a committee and he had the opportunity to go to the Sewer Plant. He went on to talk about the rain water monitoring and the sewer plant.

Hearing no voices, moved by Mr. Pirone to close the Citizens Hearing, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: None

ADJOURNMENT

Moved by Mr. Woodruff to adjourn, seconded by Mrs. Kingsley and upon roll call vote:
(9:30 p.m.)

Ayes: Mr. Delia, Mr. Hall, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: None

Approved: June 10, 2014